

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3  
4 FRED HERNANDEZ,

5                                   Petitioner,

6 v.

7 NEVADA SOUTHERN DETENTION  
8 CENTER,

9                                   Respondents.

Case No.: 2:25-cv-00060-APG-DJA

**Order Denying, Without Prejudice, Motion  
to Vacate, Set Aside, or Correct Sentence  
and  
Ordering Motion Filed in Other Case**  
**[ECF No. 12]**

10  
11           This action was initiated, *pro se*, by Fred Hernandez, on January 10, 2025, as a petition  
12 for a writ of habeas corpus under 28 U.S.C. §2241. I summarily dismissed the action on  
13 January 15, 2025, ruling that I was without jurisdiction to entertain a challenge to a civil  
14 contempt order of another judge of this Court under section 2241. ECF Nos. 4, 5. Hernandez  
15 filed a notice of appeal, and an application to proceed *in forma pauperis* on appeal. ECF Nos. 6,  
16 8. I denied Hernandez's application to proceed *in forma pauperis* on appeal on January 28, 2025.  
17 ECF No. 9.

18           On March 7, 2025, Hernandez filed a Motion to Vacate, Set Aside, or Correct a Sentence  
19 by a Person in Federal Custody under 28 U.S.C. § 2255. ECF No. 12. That motion is  
20 inappropriately filed in this case. A motion under section 2255 must be filed "in the court which  
21 imposed the sentence." 28 U.S.C. § 2255(a). Moreover, this case is closed and on appeal before  
22 the Ninth Circuit Court of Appeals. I will deny the motion, without prejudice.  
23

1 It may be that Hernandez meant to file his motion in Case No. 2:22-cv-00876-  
2 GMN-NJK. *See* ECF No. 12 at 2–4. I will therefore direct the Clerk of the Court to file a copy of  
3 the motion in that case.

4 **I THEREFORE ORDER** that Petitioner’s Motion to Vacate, Set Aside, or Correct a  
5 Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 [ECF No. 12] **is DENIED**  
6 **without prejudice.**

7 **I DIRECT** the Clerk of the Court to file a copy of Petitioner’s Motion to Vacate,  
8 Set Aside, or Correct a Sentence by a Person in Federal Custody under 28 U.S.C. § 2255  
9 [ECF No. 12] in Case No. 2:22-cv-00876-GMN-NJK.

10 Dated: April 1, 2025



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ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE